

Wetlands Bureau Decision Report

Decisions Taken
09/08/2003 to 09/12/2003

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 20 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Brian Fowler, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

2002-02335 DAHL, ROBERT & LESLIE
CENTER HARBOR Squam Lake

Requested Action:

Dredge 71 cu yd from 962 sq ft of lakebed and excavate 212 sq ft along 47 linear ft of bank to construct a dredged inlet providing two slips and a 34 ft 10 in x 40 ft 10 in two slip dug-in boathouse on an average of 620 feet of frontage on Squam Lake in Center Harbor.

APPROVE PERMIT:

Dredge 71 cu yd from 962 sq ft of lakebed and excavate 212 sq ft along 47 linear ft of bank to construct a dredged inlet providing two slips and a 34 ft 10 in x 40 ft 10 in two slip dug-in boathouse on an average of 620 feet of frontage on Squam Lake in Center Harbor.

With Conditions:

1. All work shall be in accordance with plans by Bensonwood Homes as received by the Department on February 19, 2003.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. The boathouse shall be a single-story structure with a ridgeline not to exceed Elevation 582.50.
5. The owner shall file a restrictive covenant in the appropriate registry of deeds limiting the use of the boathouse to the storage of boats and boating-related accessories.
6. Dewatering of work areas and dredged materials shall be discharged to sediment basins located in uplands and lined with hay bales or other acceptable sediment trapping liner set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
7. All dredged and excavated material and construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and water at the work site has returned to normal clarity.
10. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
11. No work is authorized to the existing 4 ft x 19 ft seasonal pier or 8 linear ft of beach.
12. The seasonal pier shall be removed for the non-boating season.
12. These shall be the only structures on this water frontage and all portions of the dock shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
13. All work shall be done during drawdown.
14. All work and boating activities shall be conducted in accordance with the recommendations of the NH Department of Fish & Game as outline in their letter to Gove Environmental Services, Inc. dated February 5, 2003.
15. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
16. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 2 feet, more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
17. Applicant for a shoreline structure defined as a major project shall file a restrictive covenant in the appropriate registry of deeds dedicating the shoreline frontage to those structures.
18. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

Standards for Approval

1. In accordance with RSA 483-B:6, I, (b), Prior Approval; Permits, any person intending to "[c]onstruct a water dependent structure, alter the bank, or construct or replenish a beach shall obtain approval and all necessary permits pursuant to RSA 482-A."
2. In accordance with RSA 483-B:17, IV, Rulemaking, the commissioner shall adopt rules regulating the "[p]rocedures and criteria for the placement of small accessory structures such as storage sheds and gazebos, the size, placement, and construction of which is consistent with the intent of this chapter."
3. In accordance with RSA 483-B:4, II, Definitions, "[a]ccessory structure means a structure detached from the primary building on the same lot and incidental and subordinate to the primary building or use, such as a pump house, gazebo, or woodshed."
4. In accordance with RSA 483-B:10, II, "Building on nonconforming lots of record shall be limited to single family residential structures and related facilities, including, but not limited to docks, piers, boathouses, boat loading ramps, walkways, and other water dependent structures, consistent with state law."
5. In accordance with RSA 483-B:6, II, Prior Approval; Permits, "[i]n applying for these approvals and permits, such persons shall demonstrate to the satisfaction of the department that the proposal meets or exceeds the development standards of this chapter."
6. In accordance with RSA 483-B:3, Consistency Required, "[a]ll state agencies shall perform their responsibilities in a manner consistent with the intent of this chapter. State and local permits for work within the protected shorelands shall be issued only when consistent with the policies of this chapter."
7. In accordance with RSA 482-A:3, Excavating and Dredging Permits, "[n]o person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp, or in and adjacent to any waters of the state without a permit from the department."
8. In accordance with Rule Wt 302.04(a)(1), Requirements for Application Evaluation, the applicant shall explain the need for the proposed project.
9. In accordance with Rule Wt 302.04(d)(5), Requirements for Application Evaluation, the Department shall not grant permit if the applicant has failed to document consideration of the factors required in Rule Wt 302.04 (a).
10. In accordance with Rule Env-Ws 1405.03, Status, "accessory structures shall: ... (b) Have a footprint no larger than 150 square feet."
11. In accordance with Rule Env-Ws 1405.05, Placement, "no accessory structure shall be built on land having greater than 25% slope."
12. In accordance with Rule Wt 401.01, Purpose, the purpose of Chapter 400, Shoreline Structures, is to protect the public trust, and other interests of the state of New Hampshire and prevent unreasonable encroachment on surface waters. "To preserve the integrity of the surface waters of the state all structures shall be constructed so as to...minimize the reduction of water area available for public use..."
13. In accordance with Rule Wt 402.09(a), Structures Disallowed, boathouses located in or over the waters are not permitted.
14. In accordance with Rule Wt 402.09(b)(1), Structures Disallowed, boathouses over a dredged inlet may be permitted only where they will not adversely affect the stability of the shoreline.
15. In accordance with Rule Wt 402.09(b)(2), Structures Disallowed, boathouse construction shall not result in water quality degradation.
16. In accordance with Rule Wt 402.09(b)(3), Structures Disallowed, boathouse construction shall not adversely impact the existing movement of currents or sediments along the shore.
17. In accordance with Rule Wt 402.09(b)(4), Structures Disallowed, boathouses over a dredged inlet may be permitted only where "[a]lternative docking and storage solutions with less environmental impact do not exist."
18. In accordance with Rule Wt 402.09(b)(5), Structures Disallowed, boathouse construction shall not impact wetlands, streams or similar areas.
19. A maximum of 9 slips may be permitted on this frontage per Rule Wt 402.14, Frontage Over 75'.
20. A boat slip on Squam Lake is defined per RSA 482-A:2, VIII as a volume of water 6 ft wide, 20 ft long, and 3 ft deep.
21. In accordance with Rule Wt 302.04(d)(1), Requirements for Application Evaluation, the Department shall not grant permit if there is a practicable alternative that would have a less adverse impact on the area and environments under the Department's jurisdiction.
22. This project is classified as a major project per Rules Wt 303.02(d)(g) and (k), construction of a major docking facility involving dredge of more than 20 cubic yard from public waters in an area utilized by a species listed as state-threatened.

Findings of Fact

23. On October 22, 2002 the Wetlands Bureau received an application for bank and surface water impacts, on the lot identified as Center Harbor tax map 7, lot 14.1, for the construction of a dredged inlet for a 2 slip dug-in boathouse and 2 wharves.

24. A permit is required for the construction of this structure per RSA 482-A. In accordance with RSA 483-B:3 the permit shall be issued only if the project complies with the intent and policies of RSA 483-B.
25. The applicant has an average of 620 feet of shoreline frontage along Squam Lake.
26. The existing docking facilities provide 2 slips as defined per RSA 482-A:2, VIII. There is presently no boat storage provided on this frontage.
27. The existing and proposed docking facilities will provide 6 slips as defined per RSA 482-A:2, Boat slip, and therefore meets Rule Wt 402.14.
28. Two of the proposed slips will also be available for year-round boat storage.
29. The alternative of constructing of a boathouse to provide storage over the water is prohibited per Rule Wt 402.09(a).
30. The proposed structure is intended to store boats belonging to the resident(s) of the property and is therefore incidental and subordinate to the primary residential use of the property and by definition is an accessory structure.
31. Neither RSA 483-B nor the rules governing accessory structures limit the number of accessory structures allowed on a frontage. The construction of a single boathouse with space for the storage of boat related accessories with a single building envelope is less impacting and disruptive to the protected shorelands than the construction of a series of 150 sq ft structures each having its own building envelope. Therefore the size restriction found in Rule Env-Ws 1405.03 is waived to permit the boathouse.
32. The decision to waive an individual rule to allow a less impacting alternative is consistent with the intent of RSA 483-B.
33. This project involves excavating to a point approximately 80 ft landward of the normal high water line. The frontage gains 5.5 ft in elevation over the 80 ft to be disturbed.
34. The average slope through the project area is 6.9%.
35. The 6.9% slope to be impacted is well below the 25% threshold established for accessory structures per Rule Env-Ws 1405.05.
36. This project is located within an area that is utilized by brooding loons.
37. The conditions imposed on the permit have been reviewed and approved by the Department of Fish and Game, pursuant to RSA 212-A:5 IV, and have been crafted to avoid adverse impacts to Common Loons in this area.
38. The construction of a boathouse utilizing appropriate construction methods, precautions and siltation, erosion and turbidity controls will not result in water quality degradation.
39. The plans submitted illustrate that the impacted shoreline will be restabilized such that the long-term stability of the shoreline will not be adversely affected.
40. The proposed structures will be located entirely within the property of the applicant with no intrusion into the public waters.
41. A minimally sized 4 slip docking facility, with seasonal canopies, constructed over the water would result in 900 sq ft of intrusion extending at least 30 ft into the public waters and would not allow for the storage of watercraft.
42. Abutters have submitted written concerns the visual impact of the proposed boathouse will be excessive.
43. The proposed dug-in boathouse will be recessed 40 ft into the shoreline and less visible than a similar structure constructed within the public waters.
44. Public hearing is waived based on field inspection, by NH DES staff, on January 22, 2003, with the finding that the project impacts will not significantly impair the resources of Squam Lake.

Rulings in Support of the Decision

45. The applicant has incorporated the recommendations of the NH Department of Fish & Game to minimize the impacts of this project within a brooding area of the state-threatened species, Common Loon.
46. The Applicant has satisfied the requirements of Rule Wt 402.09(b) relative to allowing the construction of a boathouse over a dredged inlet.
47. The construction of a docking facility over the public waters will not meet the Applicant's storage needs.
48. The construction of a docking facility over the water would result in a greater intrusion into the public waters, and therefore, would not be consistent with the purpose of Chapter 400.
49. The language of RSA 483-B:10, II, infers that boathouses are acceptable structures under the Comprehensive Shoreland Protection Act, therefore, the Wetlands Bureau believes that the issuance of this permit is in keeping with the intent of the Act as required per RSA 483-B:3.
50. The Applicant has adequately addressed Rule Wt 302.04(a) as required for approval per Rule Wt 302.04(d).

-Send to Governor and Executive Council-

2003-01427 NH GAS CORP
KEENE Tributary To Ash Swamp Brook

Requested Action:

Temporarily disturb 34,217 square feet of palustrine emergent, scrub-shrub and forested wetlands to install approximately 4,132 linear feet of pipeline to provide gas to a commercial complex

Conservation Commission/Staff Comments:

Conservation Commission voted not to intervene in the project. No additional comments provided.

Inspection Date: 08/28/2003 by Jeffrey D Blecharczyk

APPROVE PERMIT:

Temporarily disturb 34,217 square feet of palustrine emergent, scrub-shrub and forested wetlands to install approximately 4,132 linear feet of pipeline to provide gas to a commercial complex

With Conditions:

1. All work shall be in accordance with plans by CVES, Inc. dated June 12, 2003, as received by the Department on June 30, 2003.
2. This permit is contingent on approval by the DES Site Specific Program.
3. Construction workspace shall be limited to the 40-ft construction right-of-way as depicted on the approved plans, unless further authorization is received pursuant to condition #4 below.
4. All additional temporary workspace outside of the approved construction right-of-way shall be located at least 20 ft. from any wetland or watercourse or the further approval of the NHDES Wetlands Bureau shall be obtained prior to use of the workspace.
5. The applicant shall notify in writing NHDES Wetlands Bureau and the Keene Conservation Commission of their intention to commence construction no less than five (5) business days prior to the commencement of construction.
6. Construction shall be inspected by a qualified wetland scientist, erosion control specialist, or professional engineer to insure that appropriate protective measures are properly implemented, including those outlined in the plans and documents supporting this permit application and the conditions of this authorization.
7. The applicant shall notify NHDES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
9. Any clearing required in utility line rights-of-way shall be in accordance with the "Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire." Timber, slash and/or chips shall be removed from wetland areas and shall not be buried in wetlands.
10. Topsoil in wetlands shall be stripped and segregated from subsoil during construction. Wetland topsoils shall be stockpiled separately from subsoils and shall be restored following backfill.
11. Timber or natural fiber mats, corduroy, or temporary rock fill shall be used to stabilize the right-of-way in wetlands. These materials shall be entirely removed from wetlands during restoration.
12. Wetlands shall be restored to their pre-construction conditions within the right-of-way, including restoration of original grades, within 5 days of backfill.
13. A post-construction report documenting status of wetlands restoration shall be submitted to the Wetlands Bureau within six weeks of the completion of construction.
14. The right-of-way shall be monitored and a written report documenting its condition shall be submitted to the Wetlands Bureau by July 15 of the year following construction. The construction report shall include photographic documentation. The Wetlands Bureau shall require subsequent monitoring and may require corrective measures if the right-of-way is not adequately stabilized and restored.
15. Wetland restoration shall not be considered successful if sites are newly invaded by nuisance species such as common reed or purple loosestrife during the first full growing season following the completion of construction. The applicant shall work with DES to attempt to eradicate nuisance species newly found along the pipeline right-of-way during this same period.
16. Wetland restoration of temporary impact areas shall have at least 75% successful establishment of wetlands vegetation after one (1) growing season, or they shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.

17. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

18. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

19. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

With Findings:

1. This project proposes to impact 34,217 sq ft of jurisdictional non-tidal wetlands and is therefore a major impact project per Administrative Rule Wt 303.02(c), alteration of more than 20,000 sq ft of nontidal jurisdictional wetlands.

2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.

5. DES Staff conducted a field inspection of the proposed project on August 28, 2003. Field inspection determined the application and plan accurately depict the project site.

6. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of this wetland ecosystem.

2003-01711

KOHLER, LARRY

MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Permanently remove an existing 6 ft x 30 ft seasonal dock hinged to a 3 ft x 5 ft concrete pad with 3 ft 6 in steps, and dredge 325 sq ft and fill 700 sq ft to construct 48 linear ft of breakwater, in a slight dogleg configuration, with a 6 ft gap at the shoreline, and a 4 ft x 30 ft cantilevered pier connected to a 6 ft x 30 ft piling pier by a 6 ft x 30 ft 10 in piling supported walkway, in a "U" shape, accessed by a 4 ft x 9 ft walkway, with 4 ft steps accessing the water on an average of 152 ft of frontage on Long Island, Lake Winnepesaukee.

Conservation Commission/Staff Comments:

Con. Com. agreed with project, but recommended no stockpiling of rocks.

APPROVE PERMIT:

Permanently remove an existing 6 ft x 30 ft seasonal dock hinged to a 3 ft x 5 ft concrete pad with 3 ft 6 in steps, and dredge 325 sq ft and fill 700 sq ft to construct 48 linear ft of breakwater, in a slight dogleg configuration, with a 6 ft gap at the shoreline, and a 4 ft x 30 ft cantilevered pier connected to a 6 ft x 30 ft piling pier by a 6 ft x 30 ft 10 in piling supported walkway, in a "U" shape, accessed by a 4 ft x 9 ft walkway, with 4 ft steps accessing the water on an average of 152 ft of frontage on Long Island, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group dated July 17, 2003, as received by the Department on July 31, 2003.

2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.

3. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.

4. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.

5. These shall be the only structures on this water frontage and all portions of the structures, including the breakwater toe of slope, shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.

6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. Dredged and removed material shall be placed outside of the jurisdiction of the DES Wetlands Bureau prior to new construction.
8. No portion of breakwater as measured at normal full lake shall extend more than 50 feet from normal full lake shoreline.
9. The breakwater shall not exceed 3 feet in height (Elev. 507.32) over the normal high water line (Elev. 504.32).
10. The width as measured at the top of the breakwater (Elev. 507.32) shall not exceed 3 feet.
11. Rocks may not remain stockpiled on the frontage for a period longer than 60 days. Rocks shall not be stockpiled with 20 ft of any property line or the extension of any property line over the water.
12. Photos showing that all construction materials have been removed from the temporary stockpile area shall be submitted to the Bureau upon completion of the docking facility.
13. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
14. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 3 feet, more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
15. The breakwater shall have an irregular face to dissipate wave energy.
16. Support pilings shall be spaced a minimum of 12 ft apart as measured center to center.
17. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a major project per Rule Wt 303.02(j), construction of a breakwater.
2. The construction of a breakwater to provide safe docking at this site is justified in accordance with Rule Wt 402.07, Breakwaters.
3. The applicant has an average of 152 feet of shoreline frontage along Lake Winnepesaukee.
4. A maximum of 3 slips may be permitted on this frontage per Rule Wt 402.14, Frontage Over 75'.
5. The proposed docking facility will provide 3 slips as defined per RSA 482-A, Boatslip, and therefore meets Rule Wt 402.14.
6. Public hearing is waived based on field inspection, by NH DES staff, on August 22, 2003, with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.
7. Field inspection on August 22, 2003 found no obvious evidence of sand migration along this shoreline.
8. The Conservation Commission has raised concerns relative to the potential for additional impact related to the temporary stockpile area.
9. The temporary stockpile area overlaps an area already proposed to be impacted by dredging, and therefore, and will not result in an increase in the project's impact.

-Send to Governor and Executive Council-

MINOR IMPACT PROJECT

2002-01946 BARTLETT, PETER & CHRISTINE
ALTON Lake Winnepesaukee

Requested Action:

Amend permit to relocate the docks on the property.

Conservation Commission/Staff Comments:

Con Com has no objections to project

APPROVE AMENDMENT:

Permanently remove an existing 6 ft by 31 ft permanent piling supported pier, construct two 6 ft by 40 ft seasonal hinged docks attached to two 6 ft by 4 ft concrete pads located behind the undisturbed natural shoreline on 178 ft of frontage on Lake Winnepesaukee, Alton.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group dated August 25, 2002, as received by the Department on August 30, 2002 and amended plans by Brian Connelly dated August 18, 2003 as recieved by the department on September 10, 2003.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
4. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
5. Seasonal pier shall be removed from the lake for the non-boating season.
6. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
7. The concrete pads shall be entirely located behind the natural undisturbed shoreline.
8. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(d).

2003-00716 ST GELAIS, RONALD
EATON Tributary To Long Pond

Requested Action:

Dredge and fill 300 square feet within the bed and banks of an unnamed perennial stream to install a 12' x 25' bridge and re-establish access to several properties. Impact an additional 120 square feet of wetland within the existing access road to replace two culverts with two 24" x 30' culverts.

APPROVE PERMIT:

Dredge and fill 300 square feet within the bed and banks of an unnamed perennial stream to install a 12' x 25' bridge and re-establish access to several properties. Impact an additional 120 square feet of wetland within the existing access road to replace two culverts with two 24" x 30' culverts.

With Conditions:

1. All work shall be in accordance with revised plans by B.H. Keith Associates dated 8/1/03, as received by the Department on 8/21/03.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Work shall be done during low flow.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. Culvert outlets shall be properly rip rapped.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices

for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. The project is classified as a Minor Project per NH Administrative Rule Wt 303.03(1), as impacts are less than 200 linear feet within the bed and banks of the unnamed perennial stream.
2. The project is necessary to re-establish access to lots 8 and 8A. Both lots are landlocked making the stream crossing the only way to access these properties.

2003-00728 DONOHUE, CHARLIE
WINDHAM Unnamed Wetland

Requested Action:

Fill approximately 3,254 square feet of forested wetlands to construct a roadway to provide access to a 30-lot residential subdivision on approximately 87 acres.

Conservation Commission/Staff Comments:

No comments received from the Windham Conservation Commission.

Inspection Date: 08/28/2003 by Christian P Williams

APPROVE PERMIT:

Fill approximately 3,254 square feet of forested wetlands to construct a roadway to provide access to a 30-lot residential subdivision on approximately 87 acres.

With Conditions:

1. All work shall be in accordance with the following plans by Meisner Brem Corporation received by the Department on April 24, 2003:
 - a. the NHDES Subdivision Plan (Sheet 1 of 1) dated January 13, 2003; and
 - b. the Plan and Profile - Mitchell Pond Road Extension (Sheet 9 of 23), the Grading Plan (Sheet 14 of 23), and the Erosion Control Details (Sheet 21 of 23) dated February 10, 2003.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. This permit is contingent on approval by the DES Dam Safety Program.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
6. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #5 of this approval.
7. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
8. Work shall be conducted during low flow conditions.
9. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
10. Appropriate erosion, siltation, and turbidity controls shall be installed prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. Proper headwalls shall be constructed within seven days of culvert installation.
13. Stone aprons shall be installed at culvert outlets, where appropriate, to dissipate flow velocities and prevent scour and erosion.
14. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
15. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
16. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be

stabilized within 14 days by seeding and mulching.

17. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

18. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. The project is categorized as Minor Impact Project, per Administrative Rule Wt 303.03(h), as the project involves less than 20,000 square feet of alteration in nontidal wetlands.
2. On August 28, 2003 DES Wetlands Bureau staff conducted a field inspection of the property to determine whether the Southern New England Acidic Seepage Swamp and the state-endangered Downy Arrow-Wood, described by the NH Natural Heritage Bureau in a memo dated April 2, 2003, were located within the boundaries of the property. DES Wetlands Bureau staff were accompanied by Liz Harvey of the NH Natural Heritage Bureau and Peter Schauer of Schauer Environmental Consultants, LLC, the applicant's authorized agent. A small population of Downy Arrow-Wood was found by Ms. Harvey within the boundaries of the property along the edge of the Southern New England Seepage Swamp. The area, which will remain undisturbed, is located approximately 200 feet from any proposed development.
3. The Department finds that the proposed project will not have a significant adverse impact on the Downy Arrow-Wood population nor the Southern New England Seepage Swamp, both located on the property.
4. In response to a recommendation from the Administrator of the NH Natural Heritage Bureau, the applicant's authorized agent, Peter Schauer, indicated in an electronic mail communication dated September 8, 2003 that the applicant would be willing to install snow fence or other similar protection around the Downy Arrow-Wood population to prevent animal browsing.
5. The need for the proposed jurisdictional impacts has been demonstrated by the applicant per Rule Wt 302.01.
6. The applicant has provided evidence which demonstrates that the proposal is the alternative with the least adverse impact to areas and environments under the Department's jurisdiction, in accordance with Rule Wt 302.03.
7. The applicant has demonstrated by plan and example that each factor listed in Rule Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
8. The applicant has addressed the subdivision plan requirements of Rule Wt 304.09(a).

**2003-01231 PYNN, ERMA/HAROLD
KINGSTON Unnamed Wetland**

Requested Action:

Fill approximately 6,398 square feet of forested wetlands to upgrade an existing roadway from Class VI to Class V to provide access to an 8-lot residential subdivision on approximately 32.67 acres.

Conservation Commission/Staff Comments:

No comments received from the Kingston Conservation Commission.

APPROVE PERMIT:

Fill approximately 6,398 square feet of forested wetlands to upgrade an existing roadway from Class VI to Class V to provide access to an 8-lot residential subdivision on approximately 32.67 acres.

With Conditions:

1. All work shall be in accordance with the Subdivision Plan (Sheets 1 - 3 of 11), the Subdivision Site Plan (Sheets 4 & 5 of 11), the Roadway Plan & Profile (Sheets 6 & 7 of 11), and the Construction Details (Sheet 11 of 11) by Millette, Sprague & Colwell, Inc. dated November 25, 2002 and revised September 4, 2003, as received by the Department on September 9, 2003.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the

registered permit shall be submitted to the DES Wetlands Bureau prior to construction.

6. Work shall be conducted during low flow conditions.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. Appropriate erosion, siltation, and turbidity controls shall be installed prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Stone aprons shall be installed at culvert outlets, where appropriate, to dissipate flow velocities and prevent scour and erosion.
12. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
13. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
15. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
16. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. The project is categorized as a Minor Impact Project, per Administrative Rule Wt 303.03(h), as the project involves alteration of less than 20,000 square feet in nontidal wetlands.
2. The applicant has provided sufficient evidence indicating that the property is not hydrologically connected to the Atlantic White Cedar Basin Swamp located east-southeast of the project site, across New Boston Road, as referenced in a memo from the NH Natural Heritage Bureau dated March 20, 2003. As a result, the Department finds that the project will not significantly impact the Atlantic White Cedar Basin Swamp.
3. On July 16, 2003 the DES Site Specific Program issued Permit No. WPS-6531 for the proposed project.
4. The need for the proposed jurisdictional impacts has been demonstrated by the applicant, per Rule Wt 302.01.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the Department's jurisdiction, in accordance with Rule Wt 302.03.
6. The applicant has demonstrated by plan and example that each factor listed in Rule Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
7. The applicant has addressed the subdivision plan requirements of Rule Wt 304.09(a).

2003-01293 MANCHESTER SAND, GRAVEL & CEMENT, INC
HOOKSETT Peter's Brook

Requested Action:

Dredge and fill a total of 12,684 sq. ft. of palustrine forested/ scrub-shrub wetlands, including an intermittent stream, and the installation of a culvert on Peter's Brook, to construct a roadway with culvert crossings and utilities to provide access to 92 housing units on a 57 acre parcel of land.

Conservation Commission/Staff Comments:

The Hooksett Conservation Commission has reviewed the application and recommends approval of the project.

APPROVE PERMIT:

Dredge and fill a total of 12,684 sq. ft. of palustrine forested/ scrub-shrub wetlands, including an intermittent stream, and the installation of a culvert on Peter's Brook, to construct a roadway with culvert crossings and utilities to provide access to 92 housing units on a 57 acre parcel of land.

With Conditions:

1. All work shall be in accordance with plans by Holden Engineering & Surveying, Inc. dated 05-08-03, as received by the Department on June 23, 2003.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. This permit is contingent on approval by the DES Site Specific Program.
4. This permit shall not be effective until it has been recorded with the Merrimack County Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Culvert outlets shall be properly rip rapped.
9. Work shall be done during low flow.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2003-01444 GREAT LAKES HYDRO AMERICA LLC
GORHAM Androscoggin River

Requested Action:

Impact 1200 square feet within the bank of the Androscoggin River and within the bank and bed of an existing power canal to install a minimum flow bypass structure for the Gorham Dam.

APPROVE PERMIT:

Impact 1200 square feet within the bank of the Androscoggin River and within the bank and bed of an existing power canal to install a minimum flow bypass structure for the Gorham Dam.

With Conditions:

1. All work shall be in accordance with plans and application by Great Lakes Hydro America, LLC, as received by the Department on 7/7/03.
2. This permit is contingent on approval by the DES Dam Safety Program.
3. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. All work within the bed of the Androscoggin River or power canal shall be conducted behind a temporary cofferdam.
6. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
7. Construction equipment shall not be located within surface waters.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
10. Work shall be done during low flow or drawdown conditions.
11. Temporary cofferdams shall be entirely removed immediately following construction.

12. Proper headwalls shall be constructed within seven days of culvert installation.
13. Culvert outlet shall be properly rip rapped.
14. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during construction and areas cleared of vegetation to be revegetated as quickly as possible.
15. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
16. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is considered a Minor Project per NH Administrative Rule Wt 303.03(1), as impacts are less than 200 linear feet to the bed and banks of the Androscoggin River.
2. As part of the FERC re-licensing of the Gorham Dam, a minimum flow bypass structure must be installed that will consistently pass 200 cfs of water back into the original river channel.
3. Overall, the proposed project will not significantly impact the resources of the Androscoggin River and in fact will improve and maintain consistent downstream flows for fishery and aquatic resources.

2003-01698 HORTON, CRAIG
NEW HAMPTON Lake Winona

Requested Action:

Install a 6 ft x 30 ft seasonal dock hinged to a 2 ft x 6 ft concrete pad on an average of 145 ft of frontage on Winona Lake, New Hampton.

Conservation Commission/Staff Comments:

Con. Com. suggested that the seasonal dock be just a 4 ft x 20 ft & not a "U" shaped structure.

APPROVE PERMIT:

Install a 6 ft x 30 ft seasonal dock hinged to a 2 ft x 6 ft concrete pad on an average of 145 ft of frontage on Winona Lake, New Hampton.

With Conditions:

1. All work shall be in accordance with plans by Center Harbor Dock & Pier dated September 2, 2003, as received by the Department on September 5, 2003.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
7. Seasonal pier shall be removed from the lake for the non-boating season.
8. No portion of the pier shall extend more than 30 feet from the shoreline at full lake elevation.
9. These shall be the only structures on this water frontage and all portions of the dock shall be at least 20 ft. from the abutting property lines or the imaginary extension of those lines into the water.
10. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(a), construction of a 2-slip seasonal dock.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2003-01717 SOMERSWORTH, CITY OF
SOMERSWORTH Salmon Falls River

Requested Action:

Impact approximately 20 square feet within the bed of the Salmon Falls River to extend a 30-inch diameter ductile iron pipe, which provides water to the City of Somersworth Water Treatment Plant, by 40 feet to prevent clogging of the pipe intake.

Conservation Commission/Staff Comments:

In a report received by the DES Wetlands Bureau on August 26, 2003 the Somersworth Conservation Commission indicated that it has no objection to issuance of a permit for this project and recommended that one or more marker buoys be installed in the river at the location of the intake pipe for navigational purposes.

APPROVE PERMIT:

Impact approximately 20 square feet within the bed of the Salmon Falls River to extend a 30-inch diameter ductile iron pipe, which provides water to the City of Somersworth Water Treatment Plant, by 40 feet to prevent clogging of the pipe intake.

With Conditions:

1. All work shall be in accordance with the Water Treatment Plant Intake Pipe Extension Plan and the Intake Pipe Cross-Section received by the Department on August 1, 2003.
2. No construction machinery shall enter the water.
3. Any disturbance to the bank of the river to provide temporary access or staging for construction machinery shall be restored to original contours, stabilized and seeded immediately following completion of construction.
4. One or more marker buoys shall be installed in the river to identify the location of the intake pipe to improve navigational safety.
5. Work shall be conducted during low flow conditions.
6. Appropriate erosion and siltation controls shall be installed prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
10. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
13. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. The project is categorized as a Minor Impact Project, per Administrative Rule Wt 303.03(h), as the project involves less than 20,000 square feet of alteration in nontidal surface waters.
2. The existing pipe, which has a screen installed over the intake to prevent debris from entering, has become clogged in the past. The current method to dislodge the debris involves forcing compressed air through the pipe, which generates substantial turbidity in

the river. The proposal to extend the pipe further offshore is intended to prevent the pipe from clogging, thereby eliminating the need to dislodge debris from the pipe and generate turbidity in the river.

3. In a report received by the DES Wetlands Bureau on August 26, 2003 the Somersworth Conservation Commission indicated that it has no objection to issuance of a permit for this project and recommended that one or more marker buoys be installed in the river at the location of the intake pipe for navigational purposes.

4. The need for the proposed jurisdictional impacts has been demonstrated by the applicant, per Rule Wt 302.01.

5. The applicant has provided evidence which demonstrates that the proposal is the alternative with the least adverse impact to areas and environments under the Department's jurisdiction, in accordance with Rule Wt 302.03.

2003-01853

BROUILLARD, ELEANOR

GILFORD Lake Winnepesaukee

Requested Action:

Remove two rocks totaling 36 sq ft as navigational hazards from the approach of the existing U shaped dock on an average of 125 ft of frontage on Governor's Island, Lake Winnepesaukee.

Conservation Commission/Staff Comments:

Con. Com. signed application.

APPROVE PERMIT:

Remove two rocks totaling 36 sq ft as navigational hazards from the approach of the existing U shaped dock on an average of 125 ft of frontage on Governor's Island, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated August 8, 2003, as received by the Department on August 19, 2003.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
4. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
5. Rocks removed from the lake bed shall be placed outside of the jurisdiction of the DES Wetlands Bureau unless another use is specifically permitted.
6. Rocks shall not be stockpiled in jurisdiction.
7. No rocks shall be dredged or deposited within 20 feet of an abutting property line or the imaginary extension of that line into the water.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(g), removal of no more than 20 cubic yards of rock, gravel, sand, mud or other materials from public waters.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

MINIMUM IMPACT PROJECT

1999-01819 BO JO DUST LLC
CONCORD Unnamed Wetland Unnamed Stream

2002-01650 SMITH SR, NELSON
NOTTINGHAM Unnamed Wetland

Requested Action:

Retain approximately 1,160 square feet of fill in a forested wetland to provide roadway access to a state-approved septic system.

Conservation Commission/Staff Comments:

No comments received from the Nottingham Conservation Commission.

Inspection Date: 08/21/2002 by Arlene M Allen

Inspection Date: 08/15/2002 by Arlene M Allen

APPROVE AFTER THE FACT:

Retain approximately 1,160 square feet of fill in a forested wetland to provide roadway access to a state-approved septic system.

With Conditions:

1. The existing culvert beneath the roadway shall be repaired or replaced to allow for proper drainage.
2. This after-the-fact permit is contingent upon timely and complete compliance with the Restoration Plan Approval issued by the DES Wetlands Bureau on July 11, 2003.
3. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau, as specified in RSA 482-A, will require a new application and approval by the Bureau.

With Findings:

1. The project is categorized as a Minimum Impact Project, per Rule Wt 303.04(f), as the project involved alteration of less than 3,000 square feet of forested wetlands.
2. The roadway provides access to a septic system approved by the DES Subsurface Systems Bureau on January 14, 1993.
3. The need for the wetlands impacts has been demonstrated by the applicant per Rule Wt 302.01.
4. On July 11, 2003 the DES Wetlands Bureau issued a Restoration Plan Approval to the applicant for approximately 1,500 square feet of unauthorized wetland fill elsewhere on the property.

2003-00148 DUMOUCHEL, EILEEN
ALTON Lake Winnepesaukee

Requested Action:

Permanently remove 20 linear ft of wood retaining wall and replace with 80 sq ft of riprap adjacent to an existing 4 ft x 30 ft piling pier connected to an existing 8 ft x 33 ft full crib dock with a 3 ft 2 in x 12 ft walkway in a U-shape, and replenish an existing 16 ft x 31 ft perched beach with 5 cu yds of sand on an average of 155 ft of frontage on Alton Bay, Lake Winnepesaukee.

Conservation Commission/Staff Comments:

Con. Com. signed with condition that replenishment of beach does not appear on application

APPROVE PERMIT:

Permanently remove 20 linear ft of wood retaining wall and replace with 80 sq ft of riprap adjacent to an existing 4 ft x 30 ft piling pier connected to an existing 8 ft x 33 ft full crib dock with a 3 ft 2 in x 12 ft walkway in a U-shape, and replenish an existing 16 ft x 31 ft perched beach with 5 cu yds of sand on an average of 155 ft of frontage on Alton Bay, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated January 21, 2003, as received by the Department on August 28, 2003.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
3. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
4. Dredged or removed material shall be placed outside of the jurisdiction of the DES Wetlands Bureau prior to new construction.
5. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
7. Rip-rap shall be located landward of the shoreline at the normal high water, where practical, and shall not extend more than 2 feet lakeward of that line at any point.
8. No more than 5 cu yds of sand may be used and all sand shall be located above the normal high water line.
9. This permit shall be used only once, and does not allow for annual beach replenishment.
10. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
11. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
12. The existing timber retaining wall shall be removed prior to the placement of rip-rap and shall not be replaced or re-installed.
12. Work shall be done during drawdown.
13. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(m), projects that disturb less than 50 linear ft of shoreline.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2003-00496 WHITE, EARL
HAMPSTEAD Unnamed Wetland

Requested Action:

Dredge and fill approximately 640 square feet of forested wetlands to construct a roadway to provide access to a 7-lot residential subdivision on approximately 14.1 acres.

Conservation Commission/Staff Comments:

In a letter to the DES Wetlands Bureau dated March 20, 2003 the Hampstead Conservation Commission requested an extension of the application review period to allow members to conduct a site inspection of the property. The Wetlands Bureau did not receive any additional correspondence from the Hampstead Conservation Commission.

APPROVE PERMIT:

Dredge and fill approximately 640 square feet of forested wetlands to construct a roadway to provide access to a 7-lot residential subdivision on approximately 14.1 acres.

With Conditions:

1. All work shall be in accordance with the following plans:
 - a. the Final Subdivision Plans (Sheets 1 -3 of 5) by James M. Lavelle Associates dated October 18, 2003 and revised August 4, 2003, as received by the Department on August 20, 2003;
 - b. the Roadway Plan and Profile (Sheet RP1) by Steven E. Cummings, P.E., dated December 14, 2002 and revised July 11, 2003, as received by the Department on August 25, 2003; and
 - c. the Construction Details (Sheet DS-1) by Steven E. Cummings, P.E., dated December 14, 2002, as received by the Department on August 20, 2003.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
6. Work shall be conducted during low flow conditions.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. Appropriate erosion, siltation, and turbidity controls shall be installed prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Stone aprons shall be installed at culvert outlets, where appropriate, to dissipate flow velocities and prevent scour and erosion.
12. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
13. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
15. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
16. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. The project is categorized as a Minimum Impact Project, per Administrative Rule Wt 303.04(f), as the project involves alteration of less than 3,000 square feet of forested wetlands.
2. The original application proposed a through-road connecting Peaslee Court to Lancaster Road. Permanent wetlands impacts associated with the proposal to construct a through-road totaled 5,340 square feet. The largest proposed wetland impact area, totaling 4,700 square feet, was located immediately east of the terminus of the existing Peaslee Court cul-de-sac.
3. On August 5, 2003 the DES Wetlands Bureau received revised subdivision plans showing the subdivision roadway terminating in a cul-de-sac approximately 100 feet east of the terminus of the existing Peaslee Court cul-de-sac. As a result, total proposed permanent wetlands impacts have been reduced to 640 square feet.
4. The Department finds that the current proposal to terminate the subdivision roadway in a cul-de-sac addresses the concerns raised by numerous homeowners residing on Peaslee Court regarding potential adverse hydrological impacts resulting from construction of a through-road, including increased stormwater runoff and flooding.
5. The Department finds that the project will not adversely impact the State-threatened Green Adder's-Mouth thought to exist greater than 0.25 miles from the project site, as identified by the NH Natural Heritage Bureau in a memo to the DES Wetlands Bureau dated March 31, 2003.
6. The need for the proposed jurisdictional impacts has been demonstrated by the applicant, per Rule Wt 302.01.
7. The applicant has provided evidence which demonstrates that the proposal is the alternative with the least adverse impact to areas and environments under the Department's jurisdiction, in accordance with Rule Wt 302.03.
8. The applicant has demonstrated by plan and example that each factor listed in Rule Wt 302.04(b), Requirements for Application Evaluation, has been considered in the design of the project.

2003-01136 FREEDOM, TOWN OF
FREEDOM Tributary To Ossipee Lake

Requested Action:

Dredge and fill a total of 1,134 square feet of wetlands (337 square feet of temporary impact and 797 square feet of permanent impact) at 11 discrete sites within roadway ditches to install three new culverts and extend the lengths of three others, relocate a segment of an adjacent stream to stabilize existing slopes, and provide drainage improvements along a 3-mile segment of Ossipee Lake Road for the construction of a shared-use road shoulder bikeway.

APPROVE PERMIT:

Dredge and fill a total of 1,134 square feet of wetlands (337 square feet of temporary impact and 797 square feet of permanent impact) at 11 discrete sites within roadway ditches to install three new culverts and extend the lengths of three others, relocate a segment of an adjacent stream to stabilize existing slopes, and provide drainage improvements along a 3-mile segment of Ossipee Lake Road for the construction of a shared-use road shoulder bikeway.

With Conditions:

1. All work shall be done in accordance with plans entitled "Town of Freedom, Freedom, New Hampshire, Ossipee Lake Bikeway, Wetlands Permit Plan" prepared by Hoyle, Tanner & Associates, Inc. dated 5/03, as received by the Department on 6/5/03.
2. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
5. Unconfined work within Cold Brook, a tributary to Ossipee Lake, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
6. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
7. Temporary cofferdams shall be entirely removed immediately following construction.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Culvert outlets shall be properly rip rapped.
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(k), alteration of non-tidal drainage ditches to improve surface water flow along a public roadway.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. This project will be accomplished within the confines of the New England pitch pine/scrub oak barrens in the Freedom/Ossipee

area. The development of the paved bikeway will likely have little discernible negative impact on those critical areas since it will be built within the shoulder of the existing right-of-way for Ossipee Lake Road and may, in fact, add to their viability and value by restoring natural drainage patterns and providing the means for those who use the bikeway to observe and enjoy that unique ecosystem.

2003-01746 SIEPKA, MICHAEL & KAREN
GILFORD Lake Winnepesaukee

Requested Action:

Excavate 374 sq ft to construct a 15 ft x 18 ft perched beach, utilizing 10 cu yds of sand, surrounded by 45 linear ft of 1 ft wide stone wall, with 4 ft wide stone steps accessing the beach and the water, repair in-kind existing 20 linear ft rock wall in front of perched beach, and repair in-kind an existing 4 ft 10 in x 8 ft wooden boat ramp on an average of 100 ft of frontage on Sanders Bay, Lake Winnepesaukee.

Conservation Commission/Staff Comments:

Con. Com. agreed with project.

APPROVE PERMIT:

Excavate 374 sq ft to construct a 15 ft x 18 ft perched beach, utilizing 10 cu yds of sand, surrounded by 45 linear ft of 1 ft wide stone wall, with 4 ft wide stone steps accessing the beach and the water, repair in-kind existing 20 linear ft rock wall in front of perched beach, and repair in-kind an existing 4 ft 10 in x 8 ft wooden boat ramp on an average of 100 ft of frontage on Sanders Bay, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group dated July 25, 2003, as received by the Department on August 7, 2003.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. Excavated and removed material shall be placed outside of the jurisdiction of the DES Wetlands Bureau prior to new construction.
6. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
8. Repair shall maintain existing size, location and configuration.
9. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 504.32). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
10. The steps installed for access to the water shall be located completely landward of the normal high water line.
11. No more than 10 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
12. This permit shall be used only once, and does not allow for annual beach replenishment.
13. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
14. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
15. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
16. Work shall be done during drawdown.
17. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(d)&(v), construction of a single family perched beach utilizing 10 cubic yards of sand, and repair of existing structures with no change in size, location or configuration.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

EXPEDITED MINIMUM

2003-00067 DEMENCUK, JOANNE/RAYMOND
HOOKSETT Unnamed Wetland

2003-01751 MOORE ESTATE OF, GEORGE & NORMA
NEWTON Unnamed Wetland

Requested Action:

Fill approximately 2,940 square feet within the bed and banks of an intermittent stream and adjacent forested wetlands to construct a roadway and install a 3-foot x 8-foot x 43-foot box culvert with headwalls to provide access to a 7-lot residential subdivision on 27.7 acres.

APPROVE PERMIT:

Fill approximately 2,940 square feet within the bed and banks of an intermittent stream and adjacent forested wetlands to construct a roadway and install a 3-foot x 8-foot x 43-foot box culvert with headwalls to provide access to a 7-lot residential subdivision on 27.7 acres.

With Conditions:

1. All work shall be in accordance with the Subdivision Plan of Land (Sheets 1 & 2) by Francis M. DeCesare, LLS, Esq. and Civil Construction Management, Inc. dated July 2003, as received by the Department on September 8, 2003; and the Existing Conditions Plan (Sheets 3 & 4), the Grading & Drainage Plan (Sheets 5 & 6), the Plan & Profile (Sheet 7), and the Details (Sheets 10 - 12) by Civil Construction Management, Inc. dated July 2003, as received by the Department on September 8, 2003.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
6. Work shall be conducted during low flow conditions.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. Appropriate erosion, siltation, and turbidity controls shall be installed prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Stone aprons shall be installed at culvert outlets, where appropriate, to dissipate flow velocities and prevent scour and erosion.
12. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.

13. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

14. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

15. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

16. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. The project is categorized as a Minimum Impact Project, per Administrative Rule Wt 303.04(f), as the project involves alteration of less than 3,000 square feet of forested wetlands.
2. The need for the proposed jurisdictional impacts has been demonstrated by the applicant, per Rule Wt 302.01.
3. The applicant has provided evidence which demonstrates that the proposal is the alternative with the least adverse impact to areas and environments under the Department's jurisdiction, in accordance with Rule Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Rule Wt 302.04(b), Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has addressed the subdivision plan requirements of Rule Wt 304.09(a).

2003-01795

KANDEL, BARRY/LYNDA

EATON Unnamed Wetland

Requested Action:

Fill 478 sq ft to install a 12 in x 26 ft long culvert in a seasonal runoff for a single family driveway crossing in an unnamed wetland, in Eaton.

Conservation Commission/Staff Comments:

Con. Com. signed application.

APPROVE PERMIT:

Fill 478 sq ft to install a 12 in x 26 ft long culvert in a seasonal runoff for a single family driveway crossing in an unnamed wetland, in Eaton.

With Conditions:

1. All work shall be in accordance with plans by Thaddeus Thorne-Surveys, Inc., as received by the Department on August 14, 2003.
2. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
4. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
6. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
8. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
9. Proper headwalls shall be constructed within seven days of culvert installation.

10. Culvert outlets shall be properly rip rapped.
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Work shall be done during low flow.
13. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(z), installation of a culvert for single family roadway access.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2003-01856 RILEY, CHRISTINE
SUTTON Unnamed Wetland

Requested Action:

Install an 18 in x 19 ft culvert, fill 975 sq ft of forested wetland, install an 18 in x 21 ft culvert, and fill 1,985 sq ft of forested wetland to construct 2 driveway crossings to access a proposed single family dwelling.

APPROVE PERMIT:

Install an 18 in x 19 ft culvert, fill 975 sq ft of forested wetland, install an 18 in x 21 ft culvert, and fill 1,985 sq ft of forested wetland to construct 2 driveway crossings to access a proposed single family dwelling.

With Conditions:

1. All work shall be in accordance with plans by Holden Engineering & Surveying dated July 29, 2003, as received by the Department on August 21, 2003.
2. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
5. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
6. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
7. No fill shall be done for lot development.
8. Proper headers shall be constructed within seven days of culvert installation.
9. Culvert outlets shall be properly rip rapped.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Work shall be done during low flow.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3000 sq ft of forested swamp.

2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2003-01874 ASHLEY, DENNIS
LACONIA Lake Opechee

Requested Action:

Replace existing 97 linear ft wood retaining wall with concrete block, and install a 4 ft x 20 ft seasonal wharf on the existing wall on an average of 100 ft of frontage on Opechee Bay, Laconia.

Conservation Commission/Staff Comments:

No USGS map. Computer map is not at a useable scale. Digitized from tax map.

Con. Com. did not sign, must be reviewed as a standard dredge and fill.

APPROVE PERMIT:

Replace existing 97 linear ft wood retaining wall with concrete block, and install a 4 ft x 20 ft seasonal wharf on the existing wall on an average of 100 ft of frontage on Opechee Bay, Laconia.

With Conditions:

1. All work shall be in accordance with plans by Dennis Ashley, as received by the Department on August 22, 2003.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. Excavated and removed material shall be placed outside of the jurisdiction of the DES Wetlands Bureau prior to new construction.
6. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
8. Repair shall maintain existing size, location and configuration.
9. Retaining wall shall be constructed landward of the shoreline defined by the elevation of normal high water so as not to create land in public water.
10. Seasonal piers shall be removed for the non-boating season.
11. These shall be the only structures on this water frontage and all portions of the dock shall be at least 20 ft. from the abutting property lines or the imaginary extension of those lines into the water.
12. Work shall be done during drawdown.
13. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(a)&(c), installation of a seasonal wharf and the repair of an existing wood retaining wall with concrete; work to be completed at drawdown.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2003-01902 LEWIS, PHYLLIS
SANBORNVILLE Lovell Lake

Requested Action:

Repair in-kind existing 83 linear ft concrete retaining wall with four concrete stairs accessing the water, connected to an existing 15 ft x 20 ft concrete pier, adjacent to an existing 10 ft x 25 ft concrete pier, in a U-shape, on an average of 125 ft of frontage on Lovell Lake, Sanbornville.

Conservation Commission/Staff Comments:

Con. Com. did not sign application.

APPROVE PERMIT:

Repair in-kind existing 83 linear ft concrete retaining wall with four concrete stairs accessing the water, connected to an existing 15 ft x 20 ft concrete pier, adjacent to an existing 10 ft x 25 ft concrete pier, in a U-shape, on an average of 125 ft of frontage on Lovell Lake, Sanbornville.

With Conditions:

1. All work shall be in accordance with plans by Phyllis C. Lewis, as received by the Department on August 25, 2003.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. Removed material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
8. Repair shall maintain existing size, location and configuration.
9. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
10. Work shall be done during drawdown.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing structures with no change in size, location or configuration.

2003-01970 MULCAHY, EDMUND & DAVID
RYE Oyster River

Requested Action:

Install a temporary docking structure consisting of a 3.5' x 17' pier to a 3.5' x 16' ramp to an 8' x 10' float for "Durham Day" at the Town of Durham's Wagon Hill Farm facility. The dock will provide one temporary slip on 1,100 feet of frontage on the Oyster River.

Conservation Commission/Staff Comments:
Recommend approval.

Inspection Date: 07/08/2002 by David A Price

APPROVE PERMIT:

Install a temporary docking structure consisting of a 3.5' x 17' pier to a 3.5' x 16' ramp to an 8' x 10' float for "Durham Day" at the Town of Durham's Wagon Hill Farm facility. The dock will provide one temporary slip on 1,100 feet of frontage on the Oyster River.

With Conditions:

1. All work shall be in accordance with plans by the Town of Durham Public Works dated 9/9/03, as received by the Department on 9/9/03.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Coastal staff shall be notified in writing prior to commencement of work and upon its completion.
4. This permit is effective for a temporary docking structure for the "Durham Day" event only, from September 11, 2003 to no later than September 17, 2003, at which time the dock shall be completely removed.
5. This permit shall be effective for subsequent years during the five year life of the permit upon written notification to the Department from the permittee as to when and how the dock will be installed and removed.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

With Findings:

1. This project represents minimum environmental impact for installation of a temporary pipe dock for seven days duration for boat rides for a town event. The dock will be installed by hand with no machinery in the wetlands.
2. Based on staff field inspection of the site on 7/8/02, and in 2003, and the minimal amount of impact associated with the project, this project classification is deemed to be minimum impact per Wt 303.04 (o).

GOLD DREDGE

2003-01951 DAVIS, ROBERT
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc Bath ConCom

LAKES-SEASONAL DOCK NOTIF

2003-01939 ALLEN, MARK & MARJORI
SANDWICH Squam Lake

COMPLETE NOTIFICATION:
Sandwich Tax Map R20, Lot# 40A Squam Lake

2003-01940 MARKARTAN, PETER
CENTER HARBOR Squam Lake

COMPLETE NOTIFICATION:
Center Harbor Tax Map 5, Lot# 20.1 Squam Lake

2003-01941 COHEN, ERIC
MEREDITH Wicwas

COMPLETE NOTIFICATION:
Meredith Tax Map R14, Lot# 57 Wicwas

2003-01942 TREXLER, SCOTT & DENISE
MOULTONBOROUGH Lees Pond

COMPLETE NOTIFICATION:
Moultonboro Tax Map 33, Lot# 1G Lee's Pond

2003-01943 AIRTIGHT II LLC
MANCHESTER Pine Island Pond

COMPLETE NOTIFICATION:
Manchester Tax Map R848, Lot# 7 Pine Island Pond

2003-01944 FEINGOLD, DAVID & KATHERINE SOHIER
SANDWICH Bearcamp Pond

COMPLETE NOTIFICATION:
Sandwich Tax Map R2, Lot# 78 Bearcamp Pond

2003-01945 CHARRINGTON, ARDIS
TUFTONBORO Lake Winnepesaukee

COMPLETE NOTIFICATION:
Tuftonboro Tax Map 26, Lot# 7 Lake Winnepesaukee